UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

F. JEFF DUNCAN, JR.)
Plaintiff,)
v.) No. 3:09-00989
) Judge Sharp
MILLIMAN, INC.,)
)
Defendant.)
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<u>ORDER</u>

For the reasons explained in the Memorandum issued contemporaneously herewith, the Court enters the following rulings:

- (1) The Motion for Summary Judgment filed by Defendant Milliman, Inc. (Docket No. 12) is hereby GRANTED;
- (2) The Cross Motion for Summary Judgment (Docket No. 29) and the Motion for Partial Summary Judgment to Establish Defendant's Liability (Docket No. 32) filed by Plaintiff F. Jeff Duncan, Jr. are here DENIED;
- (3) Defendant Milliman's Motion Pursuant to Rule 56(f) (Docket No. 44) is hereby DENIED AS MOOT; and
- (4) Plaintiff's Motion to Ascertain Status of Pending Motions for Summary Judgment (Docket No. 55) is hereby DENIED AS MOOT.

The Clerk of this Court shall enter Judgment in a separate document in accordance with Federal Rule of Civil Procedure 58.

It is SO ORDERED.

KEVIN H. SHARP

UNITED STATES DISTRICT JUDGE